



PATENT
Customer No. 22,852
Attorney Docket No. 3495.0010-24

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
March ALIZON et al.) Group Art Unit: 1637
Application No.: 08/475,822) Examiner: Jeffrey N. Fredman
Filed: June 7, 1995) Confirmation No.: 4214
For: CLONED DNA SEQUENCES)
RELATED TO THE GENOMIC RNA)
OF LYMPHADENOPATHY-)
ASSOCIATED VIRUS (LAV) AND)
PROTEINS ENCODED BY SAID)
LAV GENOMIC RNA)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services having its principal place of business at 900 Rockville Pike, Bethesda, Maryland 20892, represents that it, together with Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to the above-identified application, as evidenced by assignments recorded at Reel 017998, Frame 0324, and Reel 016769, Frame 0280.

Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services, further represents that it, together with

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Institut Pasteur of Paris, France, are the owners of 100% of the right, title and interest in and to U.S. Patent Application No. 08/308,219, as evidenced by assignments recorded at Reel 017967, Frame 0300, and Reel 016769, Frame 0280.

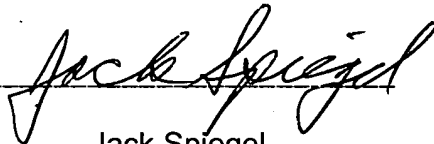
To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent issuing from U.S. Patent Application No. 08/308,219. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and a patent issuing from U.S. Patent Application No. 08/308,219 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of a patent issuing from U.S. Patent Application No. 08/308,219, as presently shortened by any terminal disclaimer, in the event that the patent issuing from U.S. Patent Application No. 08/308,219 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee, the United States of America as represented by the Secretary of the Department of Health and Human Services.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 

Name: Jack Spiegel
Title: Senior Advisor For Technology
Transfer Operations
Assignee: The United States of America
as represented by the Secretary
of the Department of Health and
Human Services

Dated: 5 OCTOBER 2006